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10 Attorneys for Defendant GIUSEPPE PENZATO

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIUSEPPE PENZATO and KESIA PENZATO,

Defendants.

CASE NO. CR-12-0089 EMC

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING MOTIONS  
HEARING AND/OR STATUS  
CONFERENCE**

**STIPULATION**

The parties in this matter are currently scheduled to appear before the Court for a hearing on discovery motions and/or a status conference on November 14, 2012. Since their last appearance, the parties have been actively engaged in settlement negotiations and have now agreed on the general terms of a potential resolution. There remains one outstanding issue relating to a parallel civil case that the parties are currently attempting to resolve.

In order to allow sufficient time to resolve the outstanding issue and reduce the agreement to writing, the parties jointly propose a short continuance of the upcoming hearing date. Specifically, the parties jointly submit that the hearing date and status conference presently

1 scheduled for November 14, 2012 should be continued to December 12, 2012 for status or change-  
 2 of-plea. In the event the parties achieve a resolution, the parties will send the Court copies of the  
 3 plea agreements in advance of the December 5 appearance.

4 The parties further agree and stipulate that the time from November 14, 2012 through  
 5 December 12, 2012 should be excluded under the Speedy Trial Act. Given the need for defense  
 6 counsel to consult with third parties concerning issues relating to the parallel civil case, the parties  
 7 agree that the failure to grant a continuance would unreasonably deny the defendants the  
 8 reasonable time necessary for effective preparation, taking into account the exercise of due  
 9 diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

10 IT IS SO STIPULATED.

11 DATED: November 9, 2012

Respectfully submitted,

12 */s/ Josh Cohen*

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 14 Nanci Clarence  
 15 Josh Cohen  
 16 Attorneys for GIUSEPPE PENZATO

17 */s/ Gail Shifman*

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 19 Gail Shifman  
 20 Attorney for KESIA PENZATO

21 */s/ Owen Martikan*

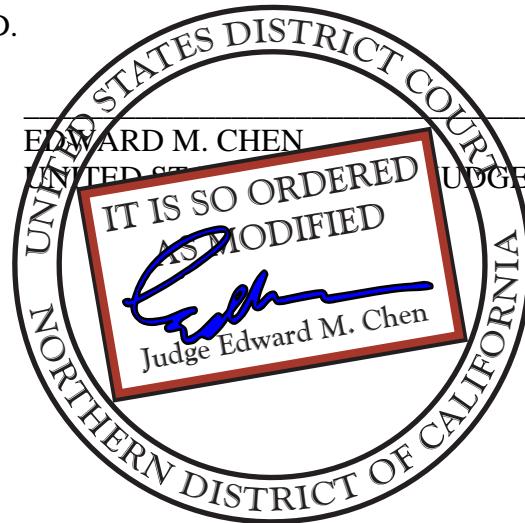
22 \_\_\_\_\_  
 23 Owen Martikan  
 24 Assistant United States Attorney

## 25 ORDER

26 Pursuant to stipulation, and for good cause shown, it is hereby ORDERED that the motions  
 27 hearing and status conference presently scheduled for November 14, 2012 shall be continued to  
 28 2:30 p.m. December 12, 2012 at 2:00 p.m. It is further ORDERED that the time from November 14, 2012  
 through December 12, 2012 shall be excluded under the Speedy Trial Act. The Court finds that  
 the ends of justice served by the continuance outweigh the best interest of the public and the

1 defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). Further, the Court finds that the  
2 failure to grant a continuance would unreasonably deny the defendants the reasonable time  
3 necessary for effective preparation, taking into account the exercise of due diligence. *See* 18  
4 U.S.C. § 3161(h)(7)(B)(iv). IT IS SO ORDERED.

5 DATED: 11/14/12



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